



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TJR

Docket No: 2932-00

23 October 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps Reserve on 18 January 1974 and on 31 January 1974 you began a period of active duty. On 7 June 1974 you were honorably released from active duty.

Your record reflects that during the period from 20 July 1974 to 8 January 1978 you were scheduled to participate in 172 drills. Of these 172 drills, you participated in 36 and were excused from participating in 16. Your record reflects that you did not participate in 120 scheduled drills and were subsequently notified that your continued nonparticipation in the scheduled drilling exercises would result in an administrative separation. In October and again in November 1977 you were notified, by certified mail, of pending administrative separation action by reason of misconduct due to a pattern of shirking as evidenced by your nonparticipation in scheduled drills. You never responded to either notification letter.

Subsequently, on 18 January 1978, the discharge authority directed your commanding officer to issue you an other than

honorable discharge by reason of misconduct due to shirking, and on 31 March 1978 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that it has been over 26 years since your discharge and you would like your discharge upgraded to fully honorable. However, the Board concluded these factors were not sufficient to warrant a change in your discharge given your failure to complete your military obligation as evidenced by your nonparticipation in drilling exercises. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director